

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired

0 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Brian K. Starke
Dina Starke**

Case No.: 18-12205

Judge: JNP

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Modified/Notice Required

Date: 5/2/2018

☐ Motions Included

☒ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney BJS

Initial Debtor: BKS

Initial Co-Debtor D S

Part 1: Payment and Length of Plan

a. The debtor shall pay 300.00 Monthly to the Chapter 13 Trustee, starting on ____ for approximately 58 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Brad J. Sadek, Esquire	Attorney Fees	2,355.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

- ☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims**a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Ally Financial	2016 Chrysler Town and Country 5000 miles	1,587.29	0.00	1,587.29	609.70

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-							
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Santander Consumer USA	2017 Dodge Ram Bighorn	29,362.00	0.00
Plantation Resort In	1250 US-17 BUS Surfside Beach, SC 29575 Horry County	79,539.00	0.00

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ ___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒**NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Santander Lease Surrendered

Explain below **how** the plan is being modified:

Santander Lease Surrendered

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date May 2, 2018

/s/ Brad J. Sadek, Esquire

Brad J. Sadek, Esquire

Attorney for the Debtor

Date: May 2, 2018

/s/ Brian K. Starke

Brian K. Starke

Debtor

Date: May 2, 2018

/s/ Dina Starke

Dina Starke

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date May 2, 2018

/s/ Brad J. Sadek, Esquire

Brad J. Sadek, Esquire

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: May 2, 2018

/s/ Brian K. Starke

Brian K. Starke

Debtor

Date: May 2, 2018

/s/ Dina Starke

Dina Starke

Joint Debtor

United States Bankruptcy Court
District of New Jersey

In re:
Brian K. Starke
Dina Starke
Debtors

Case No. 18-12205-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf901

Page 1 of 2
Total Noticed: 44

Date Rcvd: May 10, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 12, 2018.

db/jdb
517512323 +Brian K. Starke, Dina Starke, 1316 Piccard Court, Deptford, NJ 08096-5125
517315515 +ARstrat, 9800 Center Parkway #1100, Houston, TX 77036-8263
517450849 +Aes/pnc Education Lo, Po Box 61047, Harrisburg, PA 17106-1047
517315517 +CCAP Auto Lease LTD, P.O. Box 961275, Fort Worth, TX 76161-0275
+Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,
Salt Lake City, UT 84130-0285
517315527 +First Premier Bank, Po Box 5524, Sioux Falls, SD 57117-5524
517315529 +First Savings Credit Card, Po Box 5019, Sioux Falls, SD 57117-5019
517349839 GLHEC & Aff obo GLHEGC, PO Box 8961, Madison WI 53708-8961
517315530 +GLhec, Attn: Bankruptcy, Po Box 7860, Nadison, WI 53707-7860
517315534 +Jared-galleria/genesis, Po Box 4485, Beaverton, OR 97076-4485
517406228 +Jefferson Health, 833 Chestnut Street, Philadelphia, PA 19107-4414
517337666 +Merion Locust Grove, LP, 308 E. Lancaster Ave, Wynnewood, PA 19096-2145
517315539 +NTB/CBSD, CitiCards Private Label Centralized Bank, Po Box 790040,
Saint Louis, MO 63179-0040
517315536 +National Collegiate, Po Box 61047, Harrisburg, PA 17106-1047
517355594 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
517315540 +Plantation Resort In, 1250 Us Highway 17 North, Surfside Beach, SC 29575-6006
517406229 +Professional Pulmonary Service, 27 E. Centre Street, Woodbury, NJ 08096-2429
517512324 +Quest Diagnostics, 1201 South Collegeville Road, Collegeville, PA 19426-2998
517315541 +Santander Consumer USA, 5201 Rufe Snow Drive, Suite 400,
North Richland Hills, TX 76180-6036

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov May 10 2018 23:27:36 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 10 2018 23:27:35 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
517315516 +E-mail/Text: ally@ebn.phinsolutions.com May 10 2018 23:26:57 Ally Financial,
Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
517348434 E-mail/Text: ally@ebn.phinsolutions.com May 10 2018 23:26:57 Ally Financial,
PO Box 130424, Roseville, MN 55113-0004
517406227 +E-mail/Text: clientrep@capitalcollects.com May 10 2018 23:28:31 Capital Collection Service,
PO Box 150, West Berlin, NJ 08091-0150
517315522 +E-mail/Text: bkr@cardworks.com May 10 2018 23:26:49 Cardworks/CW Nexus, Attn: Bankruptcy,
Po Box 9201, Old Bethpage, NY 11804-9001
517315523 +E-mail/PDF: creditonebknofications@resurgent.com May 10 2018 23:34:02 Credit One Bank Na,
Po Box 98873, Las Vegas, NV 89193-8873
517315524 +E-mail/Text: bknotice@ercbpo.com May 10 2018 23:27:42 ERC/Enhanced Recovery Corp,
8014 Bayberry Rd, Jacksonville, FL 32256-7412
517315525 +E-mail/Text: bnc-bluestem@quantum3group.com May 10 2018 23:28:14 Fingerhut,
Bankruptcy Dept, 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
517449884 E-mail/PDF: resurgentbknofications@resurgent.com May 10 2018 23:34:43
LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
517449883 E-mail/PDF: resurgentbknofications@resurgent.com May 10 2018 23:34:40
LVNV Funding, LLC its successors and assigns as, assignee of Prime Meridian Income Fund,,
LP, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
517315535 +E-mail/Text: bk@lendingclub.com May 10 2018 23:28:06 Lending Club Corp, 71 Stevenson St,
Suite 300, San Francisco, CA 94105-2985
517450053 E-mail/Text: bkr@cardworks.com May 10 2018 23:26:49 MERRICK BANK,
Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
517403204 +E-mail/Text: bankruptcydpt@mcmcg.com May 10 2018 23:27:34 Midland Funding LLC,
PO Box 2011, Warren, MI 48090-2011
517387348 E-mail/PDF: pa_dc_claims@navient.com May 10 2018 23:35:04 NAVIENT PC TRUST,
C/O Navient Solutions, LLC., PO BOX 9640, Wilkes-Barre, PA 18773-9640
517315538 +E-mail/PDF: pa_dc_claims@navient.com May 10 2018 23:33:55 Navient, Attn: Claims Dept,
Po Box 9500, Wilkes-Barr, PA 18773-9500
517450869 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfolio recovery.com May 10 2018 23:35:03
Portfolio Recovery Associates, LLC, c/o NATIONAL TIRE & BATTERY, POB 41067,
Norfolk VA 23541
517412380 +E-mail/Text: JCAP_BNC_Notices@jcap.com May 10 2018 23:27:53 Premier Bankcard, Llc,
Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
517433383 E-mail/Text: bnc-quantum@quantum3group.com May 10 2018 23:27:30
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
517315542 +E-mail/Text: bankruptcy@sw-credit.com May 10 2018 23:27:37 Southwest Credit Systems,
4120 International Parkway, Suite 1100, Carrollton, TX 75007-1958
517316450 +E-mail/PDF: gecsed@recoverycorp.com May 10 2018 23:34:58 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
517315543 +E-mail/PDF: gecsed@recoverycorp.com May 10 2018 23:33:49 Synchrony Bank/Amazon,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517315544 +E-mail/PDF: gecsed@recoverycorp.com May 10 2018 23:34:58 Synchrony Bank/Care Credit,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
517315546 +E-mail/PDF: gecsed@recoverycorp.com May 10 2018 23:34:58 Synchrony Bank/Walmart,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
517335991 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 10 2018 23:40:49 T Mobile/T-Mobile USA Inc,
by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 25

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517315518* +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,
Salt Lake City, UT 84130-0285
517315519* +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,
Salt Lake City, UT 84130-0285
517315520* +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,
Salt Lake City, UT 84130-0285
517315521* +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,
Salt Lake City, UT 84130-0285
517315526* +Fingerhut, Bankruptcy Dept, 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
517315528* +First Premier Bank, Po Box 5524, Sioux Falls, SD 57117-5524
517315531* +Glhec, Attn: Bankruptcy, Po Box 7860, Nadison, WI 53707-7860
517315532* +Glhec, Attn: Bankruptcy, Po Box 7860, Nadison, WI 53707-7860
517315533* +Glhec, Attn: Bankruptcy, Po Box 7860, Nadison, WI 53707-7860
517315537* +National Collegiate, Po Box 61047, Harrisburg, PA 17106-1047
517315545* +Synchrony Bank/Care Credit, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
TOTALS: 0, * 11, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 12, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 2, 2018 at the address(es) listed below:

Brad J. Sadek on behalf of Joint Debtor Dina Starke bradsadek@gmail.com, bradsadek@gmail.com
Brad J. Sadek on behalf of Debtor Brian K. Starke bradsadek@gmail.com, bradsadek@gmail.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5